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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 UNITED STATES OF AMERICA,

9   Plaintiff,   CASE NO. **2:22-mj-00324-BAT**

10   v.   **DETENTION ORDER**

11 JOSE EDUARDO GARNICA,

12   Defendant.

13   The Court has conducted a detention hearing under 18 U.S.C. § 3142(f) and concludes

14 there are no conditions which the defendant can meet which would reasonably assure the

15 defendant's appearance as required or the safety of any other person and the community.

16   **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

17   Defendant is charged with conspiracy to manufacture a controlled substance: Fentanyl.

18 The offense carries a rebuttal presumption that Defendant is both a risk of flight and a danger to

19 the community. Defendant is charged with an offense of great magnitude. It is alleged that he

20 and his co-defendant were engaged in manufacturing a significant amount of Fentanyl. This

21 potent drug has led to many deaths by overdose. The drug is so lethal that the residence in which

22 Defendants allegedly were making the drug had to treated as a hazardous site and searched by a

23 special hazmat team. In addition to manufacturing a significant amount of Fentanyl, law

enforcement found an arsenal of firearms at Defendants' residence and thousands of rounds of

DETENTION ORDER - 1

1   ammunition. Some of the guns were placed for easy access to Defendants in their bedroom. The

2   severity of the offense and the strength of the case against Defendants weighs against release.

3   The Court has considered Defendant's ties to the community and other factors about his

4   family, employment, and financial status. Defendant has lived in the community essentially for

5   his whole life and has family members in the area. This factor weighs in his favor.

6   However, Defendant has no visible employment and does not appear to have worked for

7   a number of years. The United States proffered that Defendant's employment is essentially

8   related to the illegal drug business; that Defendant created three shell companies in which large

9   cash deposits have been made; that these cash deposits have been distributed to various financial

10   institutions, including a cryptocurrency depository. Additionally, it is reported Defendant bought

11   a parcel of land last year for $200,000 and a BMW SUV vehicle. These facts distinguish

12   Defendant from the co-defendant has verified work, and a financial picture nowhere as

13   sophisticated as Defendant's finances.

14   Additionally, unlike the co-defendant who has no history of arrests and no criminal

15   convictions, Defendant does have a history of arrests for drug related offenses. Most of the

16   convictions were vacated following the Washington Supreme Court's decision regarding

17   possession of controlled substance offense but Defendant clearly has a history indicating both

18   substance use, and criminal conduct.

19   Although there are positive and negative factors in this case, the Court concludes the

20   negative factors lead to the conclusion that no set of conditions would ensure the safety of the

21   community and appearance of the Defendant.

22   It is therefore **ORDERED**:

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1   (1)   Defendant shall be detained pending trial and committed to the custody of the

2   Attorney General for confinement in a correctional facility separate, to the extent practicable,

3   from persons awaiting or serving sentences, or being held in custody pending appeal;

4   (2)   Defendant shall be afforded reasonable opportunity for private consultation with

5   counsel;

6   (3)   On order of a court of the United States or on request of an attorney for the

7   Government, the person in charge of the correctional facility in which Defendant is confined

8   shall deliver the defendant to a United States Marshal for the purpose of an appearance in

9   connection with a court proceeding; and

10   (4)   The Clerk shall provide copies of this order to all counsel, the United States

11   Marshal, and to the United States Probation and Pretrial Services Officer.

12   DATED this 27th day of July, 2022.

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            BRIAN A. TSUCHIDA

15   United States Magistrate Judge

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